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EXAMINER

HECK, MICHAEL C

ART UNIT	PAPER NUMBER
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3623

DATE MAILED: 08/12/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application N .

09/731,161

Applicant(s)

CEPEDA, JOSE ALBERTO

Examiner

Michael Heck

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 12 June 2003.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-3, 5-21 and 23-56 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-3, 5-21 and 23-56 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 12 June 2003 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ 6) ☐ Other: _____

DETAILED ACTION

1. This Final Office Action is responsive to applicant's amendment filed 12 June 2003. Applicant's amendment of 12 June 2003 amended claims 1, 17, 19, and 46, and canceled claims 4 and 22. Currently, claims 1-3, 5-21, and 23-56 are pending.

Response to Amendment

2. The objection to the drawings in the First Office Action is withdrawn in response to applicant's request for approval of drawings changes except for Figures 10 and 11.

- Figure 10 has a "Close Deal Unit Cost" "Total" number of \$276,090. Figure 11 has the same "Close Deal Unit Cost" "Total" number at \$270,772. Both are for 1999 T&I Operating Costs.
- Figure 10 has the "Dead Deals % of Sub-TC" "Total" as 55%. Figure 11 shows the "Dead Deals % of Sub-TC" "Total" as 56%. Both are for 1999 T&I Operating Costs.
- Figure 10 and 11 show "Total Costs" "Total" for 1999 T&I Operating Cost to be \$27.1 (\$ in MM). Page 9, lines 29-30 of the Disclosure states, "Transportation and Industrial (T&I) 320 (shown in Figure 4) spent \$27.2 million 380 in operating expenses for total year 1999. Figure 5 item 380 shows \$27,179,249, or round up as indicated in the disclosure would be \$27.2 million.

3. The objection to the specification in the First Office Action is withdrawn in response to applicant's amendment to the specification. However, the amendment is objected to as indicated below.

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4. The 35 USC 112 first paragraph rejection in the First Office Action for claims 10, 28, 38, 39 and 50 are withdrawn in response to the applicant's amendment to the specification.

5. The 35 USC 112 first paragraph rejection in the First Office Action for claims 14, 18, and 32-34 are withdrawn in response to the applicant's amendment to the specification, however the drawings are objected to as indicated below.

6. The 35 USC 112 first paragraph rejection in the First Office Action for claims 15 and 35 are withdrawn in response to the applicant's argument, however, the drawings are objected to as indicated below.

Response to Arguments

7. Applicant's arguments with respect to claims 1-3, 6-9, 11, 13, 16, 17, 19-21, 24-27, 29, 30, 36, 37, 40-49, 51, and 53-56 have been considered but are moot in view of the new ground(s) of rejection.

8. In response to applicant's argument with respect to claims 4, 5, 22, and 23 that there is no suggestion to combine the references, the examiner recognizes that obviousness can only be established by combining or modifying the teachings of the prior art to produce the claimed invention where there is some teaching, suggestion, or motivation to do so found either in the references themselves or in the knowledge generally available to one of ordinary skill in the art. See *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988) and *In re Jones*, 958 F.2d 347, 21 USPQ2d 1941 (Fed. Cir. 1992). In this case, Morgan et al. (U.S. Patent 5,799,286) describes an automated activity-based management system and method that provides continuous, dynamic, and real-time cost information and reports (Abstract and Col. 1, lines 59-61). The automated

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activity-based management system takes traditional accounting information along with some additional business information provided by the user and allocates the cost to the activities performed (Col 4, lines 15-19). The data may be stored on a suitable data storage device and is accessed by a database server. The database server is linked to a mainframe computer by a local or wide area network. The database server is further linked to a local file server, however, the file server is optional and a workstation may be connected directly to the database server (Col. 4, lines 48-60). Inherently, a computer program embodied on a computer readable medium is incorporated in the invention disclosed in Morgan et al. Additionally, Morgan et al. teaches the automated activity-based management system can be used strategically for several purposes. The system may be used as a management tool to make strategic and operational decisions (Col. 21, lines 1-15). Specifically, Morgan et al. teaches an automated activity-based management system for a business organization occupying facilities, employing people, and using equipment to produce products or provide services (Col. 2, line 16-19). As stated in the First Office Action on page 20, Morgan et al. fails to specifically teach the application of activity-based management in the financial industry even though Morgan et al. teaches using the method and system for any service industry. As indicated in the First Office Action, the examiner considered the financial industry as a service industry, therefore, linking the teachings of Morgan et al. to the claimed invention. Cross et al. (Cross et al., Activity-Based Costing in Commercial Lending: The case of Signet Bank, Commercial Lending Review, Boston, Vol. 12, Issue 4, Fall 1997, pages 24-30 [PROQUEST]) specifically linked the service industry to the financial industry by stating, "It may not be obvious how this tool applies to service industries such as commercial banking, however, ABC (Activity-Based Costing) aims to relate bank offerings (Both credit- and deposit-

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based programs) to the costs of specific resources - a relationship that is often distorted by fixed overhead allocations" (Cross et al.: Page 24-25).

Applicant asserts Morgan et al. does not describe nor suggest a method for allocating operating expenses to deal activity that includes receiving business information relating to at least one deal wherein a deal is a business transaction involving at least one product including at least one of a loan, a lease, a common equity, and a preferred equity. As established above, Morgan et al. in combination with Cross et al. reads on the service industry that includes the financial industry. Also, Morgan et al. refers to the book, *Common Cents: The ABC Performance Breakthrough*, by Peter B. B. Turney to define activity-based costing. Activity-based costing measures the cost and performance of activities and products. In Product costing applications, for example, activity-based costing allows cost to be apportioned to products by the activities and resources consumed in servicing the product (Col. 1, lines 28-42). As one of ordinary skill in the art would know, a loan, a lease, a common equity, and a preferred equity relate to the products and services offered by members of the financial industry. Also, as indicated by the applicant in the applicant's amendment, one of ordinary skill in the art would understand each of these line items [the Unit Cost per Close Deal, a Total Cost per Close Deal, Total Costs per Close Deals, Total Costs for Dead Deals, Total Costs, Dead Deals as a percentage of Total costs, and Hit Rates] and would understand how each of these line items is calculated based on the specification and figures. Implied by the applicant's assertion is that one of ordinary skill in the art would understand Qualified Lead, Pre-Proposal Issue, Proposal Issue, Deal Awarded, Presented to Approval Committee, and Approved and Closed since the calculations for the above summaries would be derived by the process flow so described.

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Additionally, applicant asserts Morgan et al. nor Cross et al, considered alone or in combination, does not describe nor teach computing an average deal cost, and calculating deal cost per product by adjusting the average deal cost to reflect complexity differences between products. As indicated above, activity-based costing measures the cost and performance of activities and products. Morgan et al. teaches traditional activity accounting information and activity information are used to generate cost associated with the activity (Col. 2, lines 5-9). Morgan et al. in describing the number of different reports that summarize information for many business purposes has identified a Site Comparison/6 Month Average Report that shows the six months average product cost per unit and the average unit cost for all products (Col. 17, lines 26-28 and 59-67). Morgan et al. also teaches that based on the product driver, the cost is mapped to the product, the resultant number is a more meaningful and reliable measure of the actual cost of the product (Col. 20, lines 24-25). Implicitly, the product driver relates to that portion of the cost that applies to a particular product that makes it unique from the other products, therefore, indicating a level of difference. The examiner interprets complexity as a level of difference, therefore, a product driver. For example, a manufactured product requiring multiple tool changes and rotation on a single spindle drill machine for tight tolerance drilled holes is much more complex than a product requiring one standard sized tool for one drilling operation. Although drilling is not a financial industry process, the example highlights what product drivers are, which, as indicated above, would apply to the financial industry and reflect complexity differences between products.

Applicant additionally asserts the section 103 rejections of the presently pending claims is not a proper rejection. The applicant states that obviousness cannot be established by merely

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suggesting that it would have been obvious to one of ordinary skill in the art to modify Morgan et al. using the teachings of Cross et al. More specifically, as is well established, obviousness cannot be established by combining the teachings of the cited art to produce the claimed invention, absent some teaching, suggestion, or incentive supporting the combination. As indicated above, there exist an incentive supporting the combination.

In response to applicant's argument that the examiner's conclusion of obviousness is based upon improper hindsight reasoning, it must be recognized that any judgment on obviousness is in a sense necessarily a reconstruction based upon hindsight reasoning. But so long as it takes into account only knowledge which was within the level of ordinary skill at the time the claimed invention was made, and does not include knowledge gleaned only from the applicant's disclosure, such a reconstruction is proper. See *In re McLaughlin*, 443 F.2d 1392, 170 USPQ 209 (CCPA 1971). Morgan et al. teaches an automated activity-based management system and Cross et al. teaches employing activity-based costing in the commercial lending business to improve its management control systems. Specific reference is made in Cross et al. to software to analyze financial data (Page 28), therefore, the technology and desire by the financial industry to use the technology in activity-based costing prior to the applicant's invention was well established.

Applicant asserts that neither a suggestion or motivation to combine the prior art disclosures, nor any reasonable expectation of success has been shown. As indicated in the First Office Action, Morgan et al. in combination with Cross et al. would help identify value-added activities and focus cost-improvement efforts for the financial industry. Morgan et al. teaches the system may be used to establish a target cost for each product, and evaluate the cost/benefit

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of excess capacity, and compare the performance of different sites. The system allows managers to identify all activities, prioritize the activities, and quantify resources consumed by the activities. Adjustments may be made to eliminate or de-emphasize low value or unnecessary activities and emphasize high value activities (Col. 21, lines 1-15). Cross et al. teaches the key benefits of Activity-based costing include improved ability to focus cost-improvement efforts on factors that are actually consuming costs and increased ability to measure product profitability based on actual resource consumption (Page 25-26). Both references are addressing how activity-based costing helps the organization control cost, therefore, providing the motivation to combine.

9. In response to applicant's argument with respect to claims 10, 12, 28, 31, 50, and 52, the applicant argues only those provisions of the amended claims 1, 19, and 46 as they relate to the teachings of Morgan et al. and not the Official Notice. As indicated above, the applicant's argument with respect to claims 1, 19, and 46 have been considered but are moot in view of the new ground(s) of rejection. The examiner has taken official notice that the step of entering information at least through one of a voice activation command and a device connected to the client system, and the step of displaying an HTML document downloaded by the server system is well-known in the art and is taken to be admitted prior art because the applicant failed to traverse the examiner's assertion of official notice.

Drawings

10. The drawings are objected to because on Figure 10 "Equity" is listed as a product. Page 8, lines 6-7 of the Disclosure indicates product categories to include, but not limited to, "loan,

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lease, common equity, and preferred equity. Page 12, lines 3-6 of the Disclosure indicates Figure 10 shows T&I Operating Cost by Product to include Loans, Leases, Equity, Common Equity, and cost for Multi-Products. It is respectfully submitted that "Equity" as indicated in Figure 10 really means "preferred equity". If "Equity" as indicated in Figure 10 does not mean "preferred equity" then further Disclosure explanation is required for the applicant to fully define the meaning of "Equity", "preferred equity", and "common equity". However, if "Equity" is really "preferred equity" then a proposed drawing correction is required in reply to the Office action.

11. The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, for example, the "beginning and ending inventory for active deals", "operation productivity", and "product pricing" must be shown or the features canceled from the claims. No new matter should be entered.

A proposed drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

Specification

12. The amended disclosure is objected to because of the following informalities:

- Page 11, lines 18-19, delete "a Total Cost Close Deal 562" and insert --a Total Cost per Close Deal 562--.

Appropriate correction is required.

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Claim Rejections - 35 USC § 103

13. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

14. Claims 1-3, 5-9, 11, 13-21, 23-27, 29, 30, 32-49, 51, and 53-56 are rejected under 35 U.S.C. 103(a) as being unpatentable over Morgan et al. (U.S. Patent 5,799,286) in view of Cross et al. (Cross et al., Activity-Based Costing in Commercial Lending: The case of Signet Bank, Commercial Lending Review, Boston, Vol. 12, Issue 4, Fall 1997, pages 24-30 [PROQUEST]). Morgan et al. discloses a system and method for allocating operating expenses comprising:

- [Claim 1] receiving business information (Col. 2, lines 19-22, Morgan et al. teaches the system is a relational database that receives traditional accounting information related to activities provided by the user);
- allocating operating expenses to a business unit's processes based on the received business information (Col. 4, lines 12-19, Figure 4, and Col. 5, lines 35-37, Morgan et al. teaches the system takes traditional accounting information along with some additional business information provided by the user and allocates the monetary cost or dollars to the activities performed. Additionally, site costs are distributed to management organizations according to the mapping of responsibility);
- computing an average deal cost (Col. 2, lines 5-9 and lines 48-54, Morgan et al. teaches traditional accounting information and activity information are used to generate cost associated with the activity. Component cost for each activity is computed);
- calculating deal costs per product by adjusting the average deal cost to reflect complexity differences between products since each product tends to have a different level of complexity that drives different processes and costs (Col. 20, lines 24-35, Morgan et al. teaches that based on the product driver, the cost is mapped to the product. The resultant number is a more meaningful and reliable measure of the actual cost of the product); and

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- providing various management reports to track operating expenses by different categories to facilitate strategic decision making processes and improve operational productivity (Col. 17, lines 26-28, Col 20, lines 36-40, and Col. 21, lines 1-4, Morgan et al. teaches the system may generate reports summarizing information for many business purposes. The on-line report capability allows the user to “drill-down” to determine how the cost is derived. The system can be used strategically as a management tool to make strategic and operational decisions).
- [Claim 17] receiving business information that includes at least one of a Number of Deals for a Specific Financial Reporting Period, Time spent per process as a percentage of Total Year, Deal Activity Segmentation Factors, Operating Expenses by a Business Unit, and an Average Cycle Time from Qualified Lead to Close in Days by Business Unit by Product Name (Col. 2, lines 19-22 and Col. 6, lines 2-15, Morgan et al. teaches the system is a relational database that receives traditional accounting information related to activities provided by the user. Each employee enters the percentage of time spent on an activity over a given period of time.);
- allocating operating expenses to a business unit's processes based on the received business information (Col. 4, lines 12-19, Figure 4, and Col. 5, lines 35-37, Morgan et al. teaches the system allocates the monetary cost or dollars to the activities performed. Additionally, site costs are distributed to management organizations according to the mapping of responsibility);
- computing an average deal cost (Col. 2, lines 5-9 and lines 48-54, Morgan et al. teaches traditional accounting information and activity information are used to generate cost associated with the activity. Component cost for each activity is computed);
- calculating deal costs per product by adjusting the average deal cost to reflect complexity differences between products since each product tends to have a different level of complexity that drives different processes and costs (Col. 20, lines 24-35, Morgan et al. teaches that based on the product driver, the cost is mapped to the product. The resultant number is a more meaningful and reliable measure of the actual cost of the product); and
- providing various management reports to track operating expenses by different categories to facilitate strategic decision making processes (Col. 17, lines 26-28, Col 20, lines 36-40, and Col. 21, lines 1-4, Morgan et al. teaches the system may generate reports summarizing information for many business purposes. The on-line report capability allows the user to “drill-down” to determine how the cost is derived. The system can be used strategically as a management tool to make strategic and operational decisions).

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Morgan et al fails to specifically teach that the business information relates to at least one deal, a deal is a business transaction involving at least one product including at least one of a loan, a lease, a common equity, and a preferred equity. Cross et al. teaches Signet Bank began an activity based (ABC) project to provide a framework for multiple views of profitability: by product, customer account, business unit, or any combination thereof. At Signet, each business unit carries out detailed activity and volume analysis to estimate the cost of its loan products and activities (Page 24, Col. 2, Para 1). It would have been obvious to one of ordinary skill in the art at the time of the applicant's invention to receive loan product business information since the teachings of Cross et al. teaches that it is old and well known in the art to include the loan product in activity-based costing. Morgan et al. teaches an automated activity-based management system for a business organization occupying facilities, employing people, and using equipment to produce products or provide services (Col. 2, line 16-19). The examiner interprets a business organization providing services to include the financial industry. Cross et al. specifically links the service industry to the financial industry by stating, "It may not be obvious how this tool applies to service industries such as commercial banking, however, ABC (Activity-Based Costing) aims to relate bank offerings (Both credit- and deposit-based programs) to the costs of specific resources - a relationship that is often distorted by fixed overhead allocations" (Page 24-25). Morgan et al. teaches the system may be used to establish a target cost for each product, and evaluate the cost/benefit of excess capacity, and compare the performance of different sites. The system allows managers to identify all activities, prioritize the activities, and quantify resources consumed by the activities. Adjustments may be made to eliminate or de-emphasize low value or unnecessary activities and emphasize high value

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activities (Col. 21, lines 1-15). Cross et al. teaches the key benefits of Activity-based costing include improved ability to focus cost-improvement efforts on factors that are actually consuming costs and increased ability to measure product profitability based on actual resource consumption (Page 25-26). Both references are addressing how activity-based costing helps the organization control cost, therefore, Morgan et al. in combination with Cross et al. would help identify value-added activities and focus cost-improvement efforts for the financial industry.

- [Claim 2] inputting at least one of a Number of Deals for a Specific Financial Reporting Period, Time spent per process as a percentage of Total Year, Deal Activity Segmentation Factors, Operating Expenses by a Business Unit, and an Average Cycle Time from Qualified Lead to Close in Days by Business Unit by Product Name (Morgan et al: Col. 6, lines 2-13, Morgan et al. teaches entering percentage of time spent on activity for each employee over a given period of time).
- [Claim 3] include at least one of a Name of a Business Unit, a Product Name, a Deal Status identifying whether the Deal is Active, Close or Terminated, a Deal Milestone Stages, a Deal Approval Level (Morgan et al.: Col. 5, lines 13-25, Morgan et al. teaches the system divides a business organization into a business unit or management organization. Examiner notes applicant never defined Deal Activity Segmentation Factors in the specification. As best understood by the examiner, the division of an organization for profit and loss reporting and management responsibility and accountability is a business unit).
- [Claim 5] Deal Milestone stages include at least one of a Qualified Lead, Pre-Proposal Issue, Proposal Issue, Deal Awarded, Presented to Approval Committee, and Approved and Closed (Cross et al.: Page 28, Col. 1, Para 1-4, Cross et al. teaches a banks commercial lending process may consist of the following high level activities: call to potential customer, credit analysis, loan decision package, review of loan decision package, letter of approval or decline, loan booked. The examiner interprets review of loan decision package to be Presented to Approval Committee since the Approval Committee reviews the loan decision package to determine if to approve or deny the loan).
- [Claim 6] the step of storing business information (Morgan et al.: Col. 3, lines 61-63, Morgan et al. teaches the accounting data may reside on a data storage device in the form of a database).
- [Claim 7] the steps of tracking business information on a real time basis (Morgan et al.: Col. 1, lines 59-61 and Col. 4, lines 5-11 and 62-67, Morgan et al. teaches the

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system provides continuous, dynamic, and real-time cost information and reports. The reports available may include a trend report. The system user may enter information via a workstation and display reports having two dimensions: level of detail and time);

- storing business information on a real time basis (Morgan et al.: Col. 1, lines 59-61 and Col. 4 lines 48-50, Morgan et al. teaches the system provides continuous, dynamic, and real-time cost information and reports. The data may be stored on a storage device and accessed by a database server); and
- updating the centralized database with revised business information on a real time basis to provide up-to-date information instantaneously to the user upon a request (Morgan et al.: Col. 1, lines 59-61 and Col. 4, lines 52-55, Morgan et al. teaches the system provides continuous, dynamic, and real-time cost information and reports. The database server is linked to the mainframe computer by a local or wide area network for automated uploading and downloading of information.);
- [Claim 8] at least one of adding new information, deleting the current information and editing the current information stored in the database (Morgan et al.: Col. 6, lines 64-66, Morgan et al. teaches a master list of equipment may be entered, maintained, and updated).
- [Claim 9] the step of entering information on-line (Morgan et al.: Col. 3, lines 34-66, Morgan et al. teaches the user can enter information on a workstation through a graphical user interface (GUI)).
- [Claim 11] the steps of: downloading requested information from a server system (Morgan et al.: Col. 4, lines 52-54, Morgan et al. teaches a database server is linked to a mainframe computer for automated uploading and downloading of information); and
- displaying requested information on a client system in response to the inquiry (Morgan et al.: Col. 4, lines 5-11, Morgan et al. teaches the system has an on-line reporting feature).
- [Claim 13] the step of printing requested information in a pre-determined format (Morgan et al.: Col. 4, lines 5-8 and 62-67, Morgan et al. teaches an on-line reporting feature that may generate predefined reports. The reports can be displayed on a graphic user interface running on a workstation. Inherently, a printing capability is incorporated with a computer workstation.)
- [Claim 14] printing at least one of Operating Cost by Product identifying Total Costs, Close Deal Costs, Dead Deal Costs, Hit Rate, Close Deal Unit Cost, Total Cost per Close Deal and Operating Cost by Process identifying Cost associated with Lead

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Generation, Cost associated with PIC, Cost associated with Proposal Issue, Cost associated with Underwritten Deals, Cost associated with Deals Approved, Cost associated with Deals Closed, and Cost associated with all Deals (Morgan et al: Col. 4, lines 61-67 and Col. 17, line 26 through to Col. 20, line 23, Morgan et al. teaches generating a number of different reports to include the Site Comparison/6 Month Average Report that reports management organization average product cost. The examiner interprets that the management organization average product cost is operating cost by product. Also, Morgan et al. teaches the file server is connected to a user workstation and the graphic user interface is capable of displaying reports. The examiner interprets the user workstation configuration to include a printer.);

- printing at least one of an Operating cost for Loans by Process Report, an Operating Cost by Product Report, and an Operating cost for all Products by Process Report (Morgan et al: Col. 4, lines 61-67 and Col. 17, line 26 through to Col. 20, line 23, Morgan et al. teaches generating a number of different reports to include the Site Comparison/6 Month Average Report that reports management organization average product cost. The examiner interprets that the management organization average product cost is operating cost by product. Also, Morgan et al. teaches the file server is connected to a user workstation and the graphic user interface is capable of displaying reports. The examiner interprets the user workstation configuration to include a printer.); and
- printing at least one of an Operating costs for Leases by Process Report, an Operating costs for Equity by Process Report, an Operating costs for Common equity by Process Report, and an Operating costs for Preferred Equity by Process Report (Morgan et al: Col. 4, lines 61-67 and Col. 17, line 26 through to Col. 20, line 23, Morgan et al. teaches generating a number of different reports to include the Site Comparison/6 Month Average Report that reports management organization average product cost. The examiner interprets that the management organization average product cost is operating cost by product and product to include leases, common equity, and preferred equity. Also, Morgan et al. teaches the file server is connected to a user workstation and the graphic user interface is capable of displaying reports. The examiner interprets the user workstation configuration to include a printer.).
- [Claim 15] determining at least one of average deal unit costs, beginning and ending inventory for active deals, total cost for terminated and closed deals, operation productivity, and product pricing (Morgan et al: Col. 17, line 26 through to Col. 20, line 23, Morgan et al. teaches generating a number of different reports to include the Site Comparison/6 Month Average Report that reports the six month average product cost per unit, and the Site Product Cost by Management Organization Report that allows users to drill-down to the activities performed within each organization. The examiner interprets deal unit cost to be related to product and activity cost. Inherently, to generate the report the data needs to be determined.); and

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- printing at least one of average deal unit costs, beginning and ending inventory for active deals, total cost for terminated and closed deals, operation productivity, and product pricing (Morgan et al: Col. 4, lines 61-67 and Col. 17, line 26 through to Col. 20, line 23, Morgan et al. teaches generating a number of different reports to include the Site Comparison/6 Month Average Report that reports management organization average product cost, and the Site Product Cost by Management Organization Report that allows users to drill-down to the activities performed within each organization. The examiner interprets deal unit cost to be related to product and activity cost. Also, Morgan et al. teaches the file server is connected to a user workstation and the graphic user interface is capable of displaying reports. The examiner interprets the user workstation configuration to include a printer.).
- [Claim 16] the client system and the server system are connected via a network and wherein the network is one of a wide area network, a local area network, an intranet and the Internet (Morgan et al.: Col 4, lines 54-60, Morgan et al. teaches the database server is linked to a mainframe computer by a local or wide area network (LAN/WAN)).
- Claim 37] a displaying component; and a sending component to send an inquiry to the server system so that the server system can process and download the requested information to the client system (Morgan et al.: Col. 4, lines 5-67, Morgan et al. teaches a graphic user interface to display reports, a database server for uploading and downloading information to the mainframe computer, and an on-line report feature that generates pre-defined or user-defined reports).
- [Claim 40] said system is further configured to be protected from access by unauthorized individuals (Morgan et al.: Col. 5, lines 4-8, Morgan et al. teaches that security may be incorporated to lock out users who do not have authorized access).
- [Claim 41] a displaying component for displaying various user interfaces to the user, a receiving component for receiving an inquiry to provide information from one of a plurality of users, a collection component for collecting information from users into the centralized database, a tracking component for tracking information on an on-going basis, and an accessing component for accessing the centralized database and causing the retrieved information to be displayed on the client system (Morgan et al.: Col. 3, line 55 through to Col. 4, line 67, Morgan et al. teaches a graphical user interface for users to input and display data and reports as well as automated system to input data from another computer to the relational database where the data is stored on a data storage device and accessed by a database server. The system tracks current operational performance.).
- [Claim 42] a processing component for searching and processing received inquiries against the data storage device containing a variety of information collected by the collection component (Morgan et al.: Col 4. line 5-8 and lines 52-54, Morgan et al.

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teaches the database server is linked to a mainframe computer for uploading and downloading information. The on-line feature may generate predefined or user-defined reports.).

- [Claim 43] a retrieving component to retrieve information from the data storage device (Morgan et al.: Col. 4, lines 52-67, Morgan et al. teaches the workstation may be connected directly to the database server through the LAN/modem. The graphic user interface allows the user to input data or display reports. Inherently, the workstation has a retrieving component to get the information to display.)
- [Claim 44] an information fulfillment component that downloads the requested information after retrieving from the data storage device to the plurality of users in the order in which the requests were received by the receiving component (Morgan et al.: Col. 4, lines 44-60, Morgan et al. teaches that the system is a LAN/WAN using a mainframe backbone connected to a relational database. Furthermore, Col. 5, lines 4-9 provides for different levels of access for multiple users.).
- [Claim 45] configured to receive input directly from a plurality of individuals and update the centralized database to reflect the current allocation of operating expenses by the business unit at a given time (Morgan et al.: Col. 4, lines 44-60, Morgan et al. teaches that the system is a LAN/WAN using a mainframe backbone connected to a relational database. Furthermore, Col. 5, lines 4-9 provides for different levels of access for multiple users.).
- [Claim 53] the network is a wide area network operable using a protocol including at least one of TCP/IP and IPX (Morgan et al.: Col. 4, lines 44-60, Morgan et al. teaches that the network is a LAN/WAN. IPX and TCP/IP are standard LAN/WAN protocols for transferring data over the network and are therefore considered inherent in Morgan et al.).
- [Claim 54] wherein the data is received from the user via a graphical user interface (Morgan et al.: Col. 3, lines 64-66, Morgan et al. teaches a user inputs data on a workstation through a graphical user interface).

Claim 18 recites a method for allocating operating expenses as does claim 14. Hence the same rejection for claim 14 as applied above applies to claim 18.

Claims 19-21, 23-27, 29, 30, and 32-36 recite a system for performing the method of claims 1-3, 5-9, 11, and 13-16 including a web-based system for allocating operating expenses. It

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is respectfully submitted that Morgan et al. teaches computers connected via a wide area network to allocate operating expenses in the manner discussed above for claims 1-3, 5-9, 11, and 13-16.

Claims 46-49, 51, 55, and 56 recite a computer program embodied on a computer readable medium that, when executed by a computer, performs the method of claims 1-3, 5-9, 11, and 13-16. Again, Morgan et al. teaches implementing the method of claims 1-3, 5-9, 11, and 13-16 over a computer network as discussed above, therefore requiring a computer program embodied on a computer readable medium.

Therefore, it is respectfully submitted that the system and computer program embodied on a computer readable medium are inherently incorporated in the invention disclosed in Morgan et al. Hence, the same rejection as stated above for claims 1-3, 5-9, 11, and 13-16 applies to system claims 19-21, 23-27, 29, 30, and 32-36 and program claims 46-49, 51, 55 and 56.

15. Claims 10, 12, 28, 31, 38, 39, 50, and 52 are rejected under 35 U.S.C. 103(a) as being unpatentable over Morgan et al. (U.S. Patent 5,799,286) and Cross et al. (Cross et al., Activity-Based Costing in Commercial Lending: The case of Signet Bank, Commercial Lending Review, Boston, Vol. 12, Issue 4, Fall 1997, pages 24-30 [PROQUEST]), as applied to Claims 1, 19, and 46.

Claims 10, 28, 39, and 50 recite the attributes of the computer workstation to include the ability to enter information at least through one of a voice activation command and a device connected to the client system. Morgan et al. and Cross et al. fail to teach the detail configuration of the workstation. The examiner takes official notice that it is old and well known in the computer art that the voice activation feature using a device connected to a system may be

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configured on the computer system to give added capability to the system at the time the inventions was made. For instance, there were various computer dictation software packages for inputting text via voice and other voice activated devices. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to include a voice activation feature on the workstation to make it easier for the user to input and retrieve information without the need to physically engage an input device such as a keyboard or mouse since these available voice activation devices were produced for such a convenience.

Claim 38 recites the sending component functions in response to a click of a mouse button. Morgan et al. and Cross et al. fail to teach the detail configuration of the workstation. The examiner takes official notice that it is old and well known in the computer art that a mouse is used to execute a command to send an inquiry to the server system. A computer mouse makes it easier for navigating the computer software and executing the commands by a point and click method. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to include a mouse in the computer configuration to make it easier and faster to execute the commands.

Claims 12, 31, and 52 recite the step of displaying an HTML document downloaded by the server system. Morgan et al. and Cross et al. fail to teach formatting the downloaded reports using HTML. The examiner takes official notice that it is old and well known in the computer art that HTML is a recognized standard document format for network-based systems to easily maintain document formatting and indexing at the time the invention was made. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to use HTML formatted documents downloaded from a server system on a network to ensure

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consistency and ease of data transfer between systems allowing the information to be displayed in the proper and intended format.

Conclusion

16. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Michael C. Heck whose telephone number is (703) 305-8215. The examiner can normally be reached Monday thru Friday between the hours of 8:00am - 5:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Tariq R. Hafiz can be reached on (703) 305-9643.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-1113.

Any response to this action should be mailed to:

**Commissioner of Patents
P.O. Box 1450
Alexandria, Virginia 22313-1450**

Or faxed to:

(703) 872-9306	[Official communications; including After Final communications labeled "Box AF"]
(703) 746-9419	[Informal/Draft communication, labeled "PROPOSED" or "DRAFT"]

Hand delivered responses should be brought to Crystal Park 5, 2451 Crystal Drive, Arlington, Virginia, 7th floor receptionist.

mch
08 August 2003

Romain Jeanty
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